

ALJ/GEW/avs

Decision 02-02-013 February 7, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

XO California, Inc.,

Complainant,

vs.

NorthPoint Communications, Inc.,

Defendant.

Case 01-03-041  
(Filed March 28, 2001)

**ORDER EXTENDING STATUTORY DEADLINE**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline.

Case 01-03-041 was filed on March 28, 2001. An emergency hearing was conducted on March 30, 2001, and Commissioner Wood at that time established procedures intended to minimize disruption of service when a carrier like NorthPoint Communications, Inc., seeks to shut down. The Commission confirmed Commissioner Wood's ruling in Decision (D.) 01-04-008. On May 1, 2001, the parties in this proceeding jointly moved for dismissal of this case.

An order granting the motion to dismiss has been prepared, but it is being held while the Commission considers further consumer safeguards when a telecommunications carrier seeks to withdraw service.

Since it appears unlikely that a final decision will issue by March 27, 2002, we deem it prudent to extend the statutory deadline for final resolution of the application to ensure that no violation of Pub. Util. Code § 1701.2(d) occurs.

A final decision in this case should issue before the end of the year. Therefore, we will extend the statutory deadline to December 31, 2002. If a final decision has not been issued by that time, a further order extending statutory deadline will issue.

Under Rule 77.7(f)(4) of the Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable § 1701.2(d) statutory deadline for public review and comment is being waived.

### **Findings of Fact**

1. This proceeding was initiated on March 28, 2001, as an adjudicatory proceeding.
2. On March 30, 2001, a hearing was conducted at which Commissioner Wood established procedures to be followed to protect consumers when a telecommunications carrier withdraws from service.
3. The Commission confirmed Commissioner Wood's ruling in D.01-04-008.
4. The parties on May 1, 2001, jointly moved for dismissal of this proceeding.
5. Based upon the 12-month statutory deadline, this proceeding was to have been resolved on or before March 27, 2002, unless that date is extended.
6. The 12-month deadline will not be met, primarily because the Commission is in the process of considering further consumer safeguards when a telecommunications carrier seeks to withdraw service.

7. A final decision in this proceeding is to be issued on or before December 31, 2002.

**Conclusion of Law**

The 12-month deadline imposed by Pub. Util. Code § 1701.2(d) should be extended until December 31, 2002.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding is extended until December 31, 2002.

This order is effective today.

Dated February 7, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

RICHARD A. BILAS

CARL W. WOOD

GEOFFREY F. BROWN

Commissioners